

Please add newly submitted Claims 28-32 as follows:

- A8*
28. A container including a pet treat comprising a sealed container; and a product in the container, comprising a fried body of a thermally gelled matrix containing protein and starch and having a moisture content of at least 25% by weight.
29. A container according to claim 28 wherein the fried body has a moisture content of above 30% by weight.
30. A container according to claim 28 in which the fried body comprises layers of a thermally gelled matrix containing the protein and the starch.
31. A container of claim 28 wherein the container is retorted.
32. A container of claim 28 including a preservative.

REMARKS

This Preliminary Amendment is submitted in the above-identified patent application. Pursuant to the Preliminary Amendment Claims 1, 4-5, 7-8, 10-11, 14-17, 20-24, and 27 have been amended and newly submitted Claims 28-32 have been added. This Preliminary Amendment does not add new matter. Further, Applicants note that the Preliminary Amendment is not being made to narrow the claims and/or for purposes of patentability but, merely to comport the claims to U.S. practice and/or to add additional claims. Applicants therefor do not intend to disclaim any subject matter in view of the amendments.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Versions with Markings to Show Changes Made."

Respectfully submitted,

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BY 

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1, 4-5, 7-8, 10-11, 14-17, 20-24 and 27 have been amended as follows:

1. (Once Amended) A pet treat comprising a sealed container; and at least one [or more pieces] piece of a formulated food product in the container, [each] the piece comprising a fried body of a thermally gelled matrix containing protein and starch and having a moisture content of at least [about] 25% by weight.
4. (Once Amended) A pet treat according to [any one of claims] claim 1 [to 3] including a preservative.
5. (Once Amended) A retorted, pet treat comprising a retortable, sealed container; and at least one [or more pieces] piece of a formulated food product in the container, [each] the piece comprising a fried body of a thermally gelled matrix containing protein and starch and having a moisture content of above [about] 30% by weight.
7. (Once Amended) A pet treat according to claim 5 [or claim 6] in which the fried body of [each] the piece comprises layers of a thermally gelled matrix containing the protein and the starch.
8. (Once Amended) A pet treat comprising a sealed container and at least one [or more pieces] piece of a formulated food product and a preservative in the container, [each] the piece comprising a fried body of a thermally gelled matrix containing protein and starch and having a moisture content of at least [about] 25% by weight.
10. (Once Amended) A pet treat according to claim 8 [or claim 9] in which the fried body of [each] the piece comprises layers of a thermally gelled matrix containing the protein and the starch.
11. (Once Amended) A pet treat according to [any one of claims] claim 8 [to 10] wherein [each] the piece has a pH in the range from 4.5 to 5.2.
14. (Once Amended) A process according to claim 12 [or claim 13] including the step of introducing a preservative into the container.
15. (Once Amended) A process according to [any one of claims] claim 12 [to 14] including reducing the pH of the pieces to the range from 4.5 to 5.2.
16. (Once Amended) A process according to [any one of claims] claim 12 [to 15] wherein the step of frying is by using a flash frying process.

17. (Once Amended) A process according to [any one of claims] claim 12 [to 16] wherein the container is a sealable pouch.
20. (Once Amended) A process according to claim 18 [or claim 19] in which the thermally gelled matrix is formed into the layered, gelled matrix by heating the protein source and the starch source using mechanical energy in an emulsion mill and ejecting the heated mixture from the emulsion mill into a holding tube.
21. (Once Amended) A process according to [any one of claims] claim 18 [to 20] in which the pieces have a moisture content of about 50% to about 65% by weight prior to frying.
22. (Once Amended) A process according to any [one of claims] claim 18 [to 21] in which the fried pieces have a moisture content of about 35% to about 50% by weight.
23. (Once Amended) A process according to [any one of claims] claim 18 [to 22] further comprising filling moisture into the retortable container with the fried pieces, sufficient moisture being provided to raise the moisture content of the fried pieces to that of the pieces prior to frying.
24. (Once Amended) A retorted pet treat comprising a retortable, sealed container and at least one [or more pieces] piece of a formulated food product in the container, [each] the piece having a moisture content of no less than 25% by weight and comprising a fried body of a thermally gelled matrix, the pet treat being produced by a process comprising:
thermally gelling a protein source and a starch source for providing a thermally gelled matrix;
forming the thermally gelled matrix into pieces;
flash frying the pieces for providing fried pieces; and
filling the pieces into a retortable container and retorting the container.
27. (Once Amended) A pet treat according to [any one of claims] claim 24 [to 26] in which the fried body of [each] the piece comprises layers of a thermally gelled matrix containing the protein and the starch.

Claims 28-32 have been added.